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MYSORE ACT No. VI OF 1941.

THE MYSORE ELEMENTARY EDUCATION ACT, 1941.

(AS AMENDED BY ACTS VI OF 1944, XXXII OF 1944 AND XVII OF 1949.)

(*Received the assent of His Highness the Maharaja on the twelfth day of February* 1941.)

An Act to amend and consolidate the law relating to Elementary Education in [1][State of Mysore except Bellary District].

WHEREAS the existing arrangements for the management of elementary education have proved inadequate; and

WHEREAS it has become necessary for the Government to resume charge of elementary education in order to make more satisfactory provision for its progressive expansion;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Elementary Education Act, 1941.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) All the provisions of this Act shall come into force on and from the first day of July 1941, except the provisions of Chapter VI, which shall come into force in such areas and on and from such date or dates as the Government may, by notification in the official Gazette appoint.

Repeal of Act X of 1930 and savings.

2. (1) The Mysore Elementary Education Act, 1930, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued, anything done and any action taken

1. See the Mysore Adaptation of Laws Order, 1953.

in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of this Act, be deemed to be made, issued, done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding such repeal, carry the same meanings whenever used in this Act.

Definitions.

3. In this Act unless there is anything repugnant in the subject or context—

(1) "district" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a district ;

(2) "district board" means a District Board constituted under the Mysore District Boards Act, 1926[1] ;

[2][(3) "municipality" or "municipal council" means a municipality or municipal council constituted under the Mysore City Municipalities Act, 1933, the Mysore Town Municipalities Act, 1933[3], or the Mysore Minor Municipalities Act, 1933[3], and the municipal commission constituted under the Bangalore Municipal Law, 1897 ;]

(4) "education department" means the Director of Public Instruction in Mysore and any officer or authority subordinate to him, to whom any of his functions may be delegated by the Government ;

(5) "elementary education" means the courses extending over a period of not less than four years and provided in Kannada, Urdu or other vernacular language in such subjects and up to such standards as may be prescribed or approved from time to time by the Government for the purposes of this Act ;

(6) "elementary school" means a school established or maintained by the Government and providing elementary education or recognised as an elementary school under the provisions of this Act ;

[4][(6-*a*) 'Local Body' means a District Board, a Municipal Council, a Sanitary Board or a Town Board.]

1. Repealed and re-enacted as Mysore Act IV of 1952.
2. Substituted by Act XVII of 1949.
3. Repealed and re-enacted as Mysore Act XXII of 1951.
4. Inserted by Act VI of 1944.

(*Chapter II—Transfer of property and Control to the Government—Chapter III—Elementary Education Fund*)

(7) "parent" includes the guardian and every person who is liable to maintain or has the actual custody of a child;

(8) "prescribed" means prescribed by rules made by the Government under this Act.

CHAPTER II.

TRANSFER OF PROPERTY AND CONTROL TO THE GOVERNMENT.

Devolution of properties and rights of Local Education Authorities to the Government.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by or for, any Local Education Authority, including all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, and administered by such authority, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

Management and control of elementary education to vest in the Government.

5. On and from the date of commencement of this Act, the management of and control over elementary education in [1][State of Mysore except Bellary District] shall vest in the Government.

Transfer of teachers and servants in elementary schools to service under the Government.

6. All teachers and servants serving in elementary schools maintained hithertofore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government, and shall become subject to all rules and orders which apply to service under the Government.

CHAPTER III.

ELEMENTARY EDUCATION FUND.

Constitution of Elementary Education Funds.

7. There shall be constituted in each district an Elementary Education Fund to which shall be credited :—

(i) all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elemen-

1. See the Mysore Adaptation of Laws Order, 1958.

tary Education Act, 1930, for the area of that District or part of that District and vesting in the Government under section 4;

(ii) all amounts provided by the Government from time to time for Elementary Education in that District;

(iii) the amount of all collections from education cess levied in that District, except such amount as was expended for purposes other than elementary education and charged to education cess prior to the date of commencement of this Act and continued to be so charged thereafter by the Government;

(iv) all fines and penalties levied under this Act in respect of cases arising within that District; and

(v) all fees collected within that District for the purposes specified in the proviso to section 24.

Expenses for elementary education to be met out of Elementary Education Funds.

8. All expenses incurred by the Government on elementary education in any district shall be paid out of the Elementary Education Fund for that district.

EDUCATION CESS AND CONTRIBUTIONS BY LOCAL AUTHORITIES.

Levy of education cess or additional education cess.

9. [1][(1) The Government may, for carrying out the purposes of this Act, levy throughout or in any part of [2][State of Mysore except Bellary District], an education cess on any or all of such items of State revenue or of tax levied under any Act, or rule constituting Local Bodies in [2][State of Mysore except Bellary District] and at such rates as are specified in the schedule to this Act.]

(2) The Government may, subject to the approval of the Legislative Council by resolution recorded in this behalf alter or add to the rates prescribed in the schedule and such alteration or addition when published in the official Gazette shall have the force of law and all references in the Act to the schedule shall be construed as referring to such schedule as is in force at the time.

Continuance of cess hitherto levied or collected by local authorities.

[3][**10.** Notwithstanding anything to the contrary in any other enactment or rule, any education cess levied under this Act may be recovered by a Local Body constituted

1. Substituted by Act VI of 1944.
2. See the Mysore Adaptation of Laws Order, 1953.
3. Substituted by Act VI of 1944.

under any Act or Rule in the manner prescribed for the recovery of a claim due under the Act or Rule constituting the Local Body, as if, for purposes of the recovery, the education cess were such a claim.]

CHAPTER IV.

District Education Committees and the Central Education Board.

Constitution of District Education Committees.

11. There shall be constituted for each district a District Education Committee consisting of a Chairman and such number of members as the Government may prescribe.

Membership of District Education Committee.

12. (1) In districts where District Boards are in existence, such District Boards, and in other districts such local authority as the Government may prescribe, shall be entitled to elect one half the number of members of the District Education Committee in such manner as may be prescribed.

(2) The other half of the number or members of the Committee shall be appointed by the Government, having regard to the representation of Urdu, depressed class and girls' educational interests and of municipalities.

Appointment of Chairman of District Education Committee.

13. The Government may appoint one of the members of the District Education Committee to be its Chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

Term of District Education Committees.

14. The term of a District Education Committee shall expire with that of the District Board or other local authority entitled to elect members to it :

Provided that a District Education Committee shall be deemed to continue until a new Committee is constituted for the district.

(Chapter IV—District Education Committees and the Central Education Board)

Casual vacancies during the term of a District Education Committee.

15. Casual vacancies occurring during the term of a District Education Committee shall be filled up by nomination or election, as the case may be, for the remaining period of its term.

Appointment of Secretary to District Education Committee.

16. The Government may appoint for each District Education Committee a Secretary from amongst its members.

Meetings and duties of the District Education Committee.

17. The District Education Committee shall ordinarily meet once a year and oftener if necessary and if the Government so direct, and consider any plans or programmes placed before it for the expansion and development of elementary education in its district for the year next succeeding such meeting and advise upon any matters relating to elementary education referred to it by the Education Department or the Central Education Board.

CENTRAL EDUCATION BOARD.

Constitution of Central Education Board.

18. There shall be a Central Education Board for elementary education.

Membership of Central Education Board.

19. Each District Education Committee shall be entitled to elect in such manner as may be prescribed, one member to represent it on the Central Education Board and the Government shall appoint an equal number of members to it. The President, and the Secretary, to the Board shall be appointed by the Government.

Term of Central Education Board.

20. The term of the Central Education Board shall be prescribed by the Government, provided however, that a member who is elected by a District Education Committee shall cease to be a member thereof on the expiry of the term of the Committee.

Casual vacancies during the term of the Central Education Board.

21. Casual vacancies occurring during the term of the Board shall be filled by election or nomination, as the case may be, for the remaining period of its term.

(Chapter V—Tuition Fees—Chapter VI—Compulsory Education)

22. The Central Education Board shall meet at such times and as often as may be prescribed. The Central Education Board to meet as often as may be prescribed.

23. It shall be the duty of the Central Education Board to— Duties of the Central Education Board.

(i) consider the reports submitted by the District Education Committees; and

(ii) advise upon all such matters as may be referred to it by the Education Department.

CHAPTER V.

Tuition Fees.

24. No fees shall be charged or other charges of any kind made in any school for elementary education managed by the Government: No fees to be charged in any school for elementary education managed by the Government.

Provided that for the medical inspection of a child or for promoting its civic or physical training or for its re-admission into the school such amount as may be prescribed shall, if so directed by notification in the official Gazette by the Government, be payable by a parent once in a year in one or more instalments.

CHAPTER VI.

Compulsory Education.

25. In every area to which the provisions of this Chapter have been applied and from such date as they are brought into force, it shall be the duty of the parent of every child between the ages of six and ten residing within such area to cause that child to attend an elementary school for so many days in the year for such time on each day of attendance as may be prescribed by the Education Department unless there is a reasonable excuse for its non-attendance. Duty of parent to send boys to school in specified areas.

Reasonable excuse for non-attendance.

26. (1) Any of the following circumstances is a reasonable excuse for non-attendance :—

(i) that there is no elementary school which the child can attend within a distance of one mile from the residence of the child,

(ii) that the child is prevented from attending school by sickness or infirmity or other unavoidable cause, or

(iii) that the child is receiving instruction in some other satisfactory manner, or

(iv) that the child has been exempted from such attendance by proper authority.

(2) Where a reasonable excuse for non-attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

No compulsion regarding attendance of religious classes.

27. If religious classes are held in any elementary school in an area to which the provisions of this Chapter have been applied, no child shall be compelled to attend such classes against the wishes of its parent.

Prohibition of boy's employment.

28. No person shall, without the permission of the Education Department in writing, employ during school hours any child between the ages of six and ten, who is required to attend an elementary school under this Chapter.

Prosecution of parent failing to send boy to school without lawful excuse.

29. A parent who without lawful excuse fails to send to an elementary school any child who is required to attend school under this Chapter shall, after due warning in such manner and by such authority as may be prescribed, be liable on conviction by a Magistrate to a fine not exceeding two rupees, and to a fine not exceeding ten rupees for a second or subsequent conviction.

Employer's liability for contravening provisions of section 28.

30. Any person who knowingly employs any child in contravention of the provisions of section 28, shall, on conviction by a Magistrate be liable to a fine not exceeding twenty rupees.

Appointment of officers or committees.

31. The Government may, for carrying out the provisions of this Chapter effectively, appoint one or more officers or committees for such areas with such powers and duties as may be prescribed.

(*Chapter VII—Partial Compulsory Education*)

[1][CHAPTER VII.

PARTIAL COMPULSORY EDUCATION.

32. The Government may, by notification in the official Gazette, apply the provisions of this Chapter to such areas and from such dates as may be specified therein :

Provided that all the provisions shall be brought into force throughout Mysore within a period of ten years.

33. In every area to which the provisions of this chapter have been applied and from such date as they are brought into force, it shall be the duty of the parent of every child residing within such area and voluntarily joining an elementary school, to cause that child to attend the school for as many days in the year and for such time on each day of attendance as may be prescribed by the Education Department unless there is a reasonable excuse for its non-attendance :

Provided that this duty of the parent shall subsist only until the child completes the Elementary Education course prescribed from time to time by the Education Department, or completes its twelfth year, whichever is earlier.

34. (1) Any of the following circumstances is a reasonable excuse for non-attendance :—

(i) that the child is forced by circumstances to shift to another place where no elementary school within one mile from its residence is situated ; or

(ii) that the child is prevented permanently from attending school by sickness or infirmity or other unavoidable cause ; or

(iii) that the child is receiving instruction in some other satisfactory manner ; or

(iv) that the child has been exempted from continuing its studies by proper authority ; or

(v) that the elementary school which it attended is abolished by the Department and there is no such school within one mile which it could attend.

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1. Chapter VII inserted by Act XXXII of 1944.

(2) Where a reasonable excuse for non-attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

35. If religious classes are held in any elementary school in an area to which the provisions of this chapter have been applied, no child shall be compelled to attend such classes against the wishes of its parent.

36. No person shall, without the permission of the Education Department in writing, employ during school hours any child who is required to attend an elementary school under this chapter.

37. (1) A parent who without lawful excuse fails to send to an elementary school any child who is required to attend school under this chapter, shall, after due warning in such manner and by such authority as may be prescribed, be liable on conviction by a Magistrate to a fine not exceeding two rupees, and to a fine not exceeding ten rupees, for a second or subsequent conviction.

(2) For the purposes of sub-section (1), a parent shall be deemed to have failed to send the child to an elementary school without lawful excuse where the child is continuously absent from school for one month without permission.

38. Any person, who knowingly employs any child in contravention of the provisions of section 36, shall on conviction by a Magistrate, be liable to a fine not exceeding twenty rupees.

39. The Government may, for carrying out the provisions of this chapter effectively, appoint one or more officers or committees for such areas with such powers and duties as may be prescribed.]

[1] CHAPTER VIII.

MISCELLANEOUS.

Power to delegate powers under this Act.

40. The Government may delegate any of its powers under this Act to the Director of Public Instruction.

1. Chapter VIII and sections 40 to 43 renumbered by Act XXXII of 1944.

(*Schedule*)

41. The Government may for any of the purposes of this Act declare any school providing elementary education, and not established or maintained by it, to be an elementary school and thereupon all the provisions of this Act shall apply to that school as if it were an elementary school.

Declaration of school not established or maintained by the Government to be an elementary school.

42. (1) The Government may make rules to carry out all or any of the purposes of this Act.

Powers to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(i) the levy of education cess under section 9 ;
(ii) the manner of election to, and the working of, the District Education Committees and the Central Education Board including their expenditure ;
(iii) the manner of electing a Chairman to a District Education Committee where the election of a Chairman is authorised ;
(iv) the term of the Central Education Board ;
(v) re-admission fees, medical inspection and fees for such medical inspection or for promoting civic and physical training of children ;
(vi) the authority and the manner of issuing certificates of exemption ; and
(vii) the authority and the manner of issuing a warning to a parent under section 29.

43. The Government shall cause a comprehensive statement on working of the Act to be placed before the Houses of Legislature once a year.

Comprehensive statement to be presented to the Legislatures annually.

[1] Schedule.

Items on which cess may be levied	Maximum rate of levy
Items on which local cess is now levied ..	9 pies in the rupee.
Tax levied under any Act or Rule constituting Local Bodies :	2 annas in the rupee.
(1) tax on buildings and lands ;	
(2) taxes on vehicles and animals ;	
(3) Profession tax or shop tax.	

1. Substituted by Act VI of 1944.